

DEPARTMENT OF SOCIAL SERVICES

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ALL COUNTY INFORMATION NOTICE 1-15-83

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS

SUBJECT: FAMILY REUNIFICATION AND PERMANENT PLACEMENT PROGRAMS

The State Department of Social Services recently completed a series of regional training workshops on the application of Division 30 regulations relative to the Family Reunification and Permanent Placement Programs. As agreed, we are providing you with a list of questions and answers that were submitted during the workshops.

SERVICE FUNDED ACTIVITIES

1. Is it SB 14 or AB 2695 that says emergency shelter cannot exceed 15 days when adjudication is pending?

Section 319 of the W&I Code-Chapter 978-Statutes of 1982 (SB 14) provides a minor may be detained in Emergency Shelter Care for a period not to exceed 15 judicial days. The minor must be released after 15 judicial days unless there is a court hearing and the court orders the child be detained for an additional period of time.

2. Division 30 has a general section in the beginning that addresses case plan, goals, eligibility and case record content. Division 30-300 and 30-400 seem to be self contained. What part of the general section still applies to 30-300 and 30-400?

MPP Division 30-000 general provisions apply to all services programs, unless specifically excepted in the body of program specific regulations.

ASSESSMENTS

3. For children who are currently in the system, do we have to go back and re-do the assessments so that all criteria of SB 14 are met?

No. However, the reassessment, which must be completed within six months of the last (re)assessment, must contain the data required in MPP 30-344 and 30-444.

4. What is a social worker supposed to do when they want to use the court report as the assessment; however, the report is not received from the CPS unit in a timely manner?

Documentation of the assessment must be completed and filed in the case record within the required time frame.

PRIORITY FOR PLACEMENT

5. Our attorney states there is no order of priority for placement in the law (SB 14). What is the basis for priority?

There is no explicit order of priority. However, it is inferred in the language of Public Law 96-272 and Chapter 978-Statutes of 1982. (SB 14) which require placement in the least restrictive, most homelike setting. In the regulations (30-336.2) the priority is home of a relative, licensed family home or home certified by licensed homefinding agency, family home certified pending license or a group home.

6. What happens if you determine that a parent has an alcohol or drug problem and set up a plan to reduce or alleviate that problem and the parent denies that he/she has a problem?

One of the purposes of the Service Agreement is for the agency and parent to agree upon the problem requiring CWD intervention. The court report should contain specific documentation regarding the worker's actions to involve the parent in a treatment program. If the parent refuses to sign the Service Agreement, the case record should document the reasons for the parent's failure to sign (30-334.31).

TIME LIMITS FOR REUNIFICATION SERVICES

7. If you can extend "family reunification" for only six additional months, what does that do to a Civil Code 232(a)(7) action (where one cannot include incarceration time in the one year)?

Section 232(a)(7) could not be used as a basis for freeing a child from the custody of a parent who has been convicted of a felony and thereby unable to receive reasonable services designed to aid them to overcome the problems which originally led to the deprivation of physical custody.

8. Are the 12 months for reunification services cumulative during the years of a child's minority? (i.e., what about children moving in and out of placement for a few weeks or months at a time?)

No. Each time a child enters the Reunification Program the child is eligible for 12 months of reunification services unless otherwise ordered by the court. Temporary trial placements with the parent during the period would not interrupt length, or require a new start date.

9. When does 60-day limit on post placement services begin?

The date the child returned home and the dependency is dismissed is when the 60-day limit on post placement services begins.

10. Child returns home and remains a dependent. How is that child treated, as post placement services or CPS, especially if this has gone on for about two years?

If the court elects not to terminate dependency upon return of the child to his home, continuation of services requires transfer of the case to Child Protective Services.

11. May CWD recommend to court that child return home and that services be provided more than 60 days?

The CWD should recommend whatever steps are necessary to safeguard the health and safety of the child. The fact that services beyond 60 days would be needed raises a question of the appropriateness of returning the child home.

12. Can a judge extend the time a child is to be in Family Reunification beyond the 18 month time limit? Example: Social worker went in for a permanency planning hearing. The child had been in placement for more than two years. The judge ordered the child be placed in the Family Reunification program.

The CWD must comply with any court order. Because reunification was not an explicit statutory priority prior to Chapter 978-Statutes of 1982 (SB 14) judges may determine that many children in lengthy placements pre-SB 14 should receive reunification services.

13. If, at the time of the dispositional hearing, the social worker determines that there is no hope for reunification, does the child have to enter the reunification program for a one year period?

No, the court report which is to be considered at the dispositional hearing should contain documentation to support the agency's recommendation that the child should receive permanent placement services and the court may so order.

LEAST RESTRICTIVE SETTING

14. What is meant by the least restrictive setting? Is it a place where the child has as much freedom as he/she had in the home of their parents(s)? Is it a home where there are cultural and/or ethnic compatibilities?

Section 475(5)(A) of Public Law 96-272 defines least restrictive setting to be most family-like setting in close proximity to the parents' home, consistent with the best interests and special needs of the child.

The child's age, sex, and cultural background, including ethnic and religious identification, are other criteria to be considered in selecting a placement. (30-336.12 and 30-336.2)

15. What happens if the least restrictive placement is not in close proximity to the child's parents(s)?

All the facts need to be considered including whether the child is in the Family Reunification or Permanent Placement Program. If the child is in FR, consideration needs to be given to planned parent-child contacts during the separation and the specific actions to be taken by the parent(s) which will facilitate reunification. The case should document the reason(s) for not placing the child with his/her relative (30-337.21)

16. Should a child be placed in the home of a relative if that relative lives a distance away from the child's parent(s)?

Refer to answer #15.

MONTHLY VISITS - APPLIES TO BOTH FAMILY REUNIFICATION AND PERMANENT PLACEMENT PROGRAMS

17. Re: Casey Family Program
When a CWD has made a permanent plan for a child and this includes the Casey Family Program, (permanent foster care is its speciality) and Casey is providing all case work services and financial responsibility, requiring the CWD to visit the child every month, is duplication of effort and counterproductive for the child and foster parents to relate to two agencies. Can the juvenile court commit a dependent child to Casey rather than to the CWD?

W&I Code Section 362 prohibits the court from placing a dependent under the supervision of an agency other than county welfare/probation. Proposed regulation changes based on public hearing testimony would conceivably allow for visits no less frequently than quarterly in the circumstances described. However, the regulation change would not become effective any earlier than March 1983 and would require a case-by-case determination. In the meantime, the monthly visit standard applies.

18. Are monthly contacts required for children placed in state hospitals?

A state hospital does not come within the definition of a group home. Monthly face-to-face contacts are required if child is receiving Family Reunification Services (30-342.31). For a child in the Permanent Placement Program, monthly face-to-face contacts are required unless the provisions of MPP 30-442.31 are met.

19. When a child is residing in a foster home under auspices of a group home (umbrella agency), should a long term placement agreement be signed? Are monthly visits required?

Yes, if appropriate to the case plan; monthly face-to-face contacts are required as the child is in a group home placement. (30-442.312)

20. When the regulations state that the agency will meet with the parents or guardians monthly, on a face-to-face basis, does this mean that the social worker must meet with both parents or guardians?

The social worker must meet with the parent(s) or guardian(s) with whom reunification is being attempted.

21. If the parents of a child are divorced, is the social worker obligated to see the non-custodial parent?

Refer to answer #20.

22. If the parents are in a lock-up facility, hospital or jail, does the social worker have to meet with that parent?

In the Family Reunification Program, the social worker must have monthly face-to-face contact with the parent unless they are not available for such contact (30-342.4). The parent would be considered to be available unless the facility prohibited the social worker from visiting, or similar circumstances making face-to-face contact impractical are documented in the case record. In that event, written or telephone contact is required per 30-343.411.

MONTHLY VISITS - APPLIES ONLY TO PERMANENT PLACEMENT PROGRAM

23. How often does a social worker have to visit a parent once the child is in the Permanent Placement Program?

There is no regulatory requirement concerning frequency of visits with a parent of a child in the Permanent Placement Program.

MANDATED SERVICES

24. What does a social worker have to do to document that certain reunification services are not available? For example: What happens if the county cannot afford parenting training and teaching and demonstrating homemakers?

W&I Code Section 16507.1 and MPP Section 30-320.1 require that the services specified shall be available to all families and children receiving reunification services. If clients are assessed to need any of the mandated services, the county must provide them.

25. What does a social worker do when they are directed to use mental health counseling and the waiting list is over a month long?

Refer to answer #24.

26. If the waiting list is long at mental health and the county does not contract out for counseling, what is the county supposed to do?

Refer to answer #24.

27. Is the social worker responsible for transporting a parent to meet medical appointments and periodic meetings with the child?

Transportation is a mandated service and the CWD is responsible for arranging for or providing the service as needed to satisfy approved service plan objectives. (30-320.15).

28. Does the social worker have to transport the parent(s) to see the child on a Saturday or Sunday (or Holiday) if the only day the parent can visit the child is on these days and the parent has no means of transportation?

Refer to answer #27.

29. Does the social worker have to transport the parent when the costs for transporting comes out of the social worker's pocket?

The CWD is responsible for assuring provision of transportation services where required as part of an approved service plan. There is nothing in the statutes or regulations requiring a social worker to use personal funds to meet the cost of a mandated service.

30. Does the social worker make out a plan showing the planned actions for the client to take when the needed service is not available? For example, should the service plan show the client will attend counseling when such services are not immediately available in the community? (Such counseling would be necessary before the child could return home.)

Refer to answer #24.

SERVICE AGREEMENTS AND FORMS

31. In the service agreement addressing the problems that brought about removal, couldn't the parents' attorney advise the parents not to sign as it may be admission to a petition they had denied, contested and appealed?

It is possible that an attorney may recommend a parent not sign a service agreement. As in any other situation where a parent refuses to sign the agreement, the case record should document the reasons for the parents' failure to sign (30-334.21).

32. SOC 156 as written refers to the "agency". Who is the "agency"?

The agency is the organization with responsibility for placement and care of the child which could be a county welfare department, probation department or adoption agency.

33. Does the establishment of a long term care agreement mean a child may not visit with his/her parents or other relatives? Do the foster parents have the right to make such decisions?

No to both questions. For a child who cannot be reunified with his parents the long term placement agreement seeks to define the permanent plan for the child as well as conditions and limits on foster parents' decision making authority.

34. Must a new SOC 156 be prepared each time the foster care rate changes? Especially for a long term placement?

A new SOC 156 is not required. The new rate needs to be specified on the SOC 156 and all parties need to initial change.

35. In either the Family Reunification or Permanent Placement Programs, does a social worker have to make out a service agreement with a parent that is in a locked up mental facility?

Yes. However, 30-334.31 provides for situations where the parent is unwilling or unable to sign the agreement.

36. Are relatives who are receiving AFDC-FC required to sign the SOC 156 (foster parent/agency agreement)?

Division 30 does not require a legal guardian to sign an SOC 156.

PERMANENCY PLACEMENT HEARING

38. Is a court hearing required before we go to Permanency Planning Programs? i.e., abandonment at 8 months?

Yes. Only the court can order a permanent placement plan for the child.

39. Is there anything in the State Regulations that preclude permanent placement services prior to the permanent placement hearing?

Nothing in state regulations specifically precludes permanent placement services prior to the Permanency Planning (dispositional) hearing. However, services provided must be consistent and compatible with any current court order for that child.

40. Under what circumstances can you go from the Permanency Placement Program back to Family Reunification?

Evidence submitted to the court needs to establish to the court's satisfaction that there has been sufficient change in the situation to lead a reasonable person to conclude that reunification is possible and in the best interest of the child.

41. At the 12 month assessment/court report do we follow the format for Reassessment under Reunification Services or the assessment under Permanent Placement Services?

Assuming the 12 month report referred to is for purposes of the permanency planning hearing following 12 months of reunification services, reassessment procedures described in 30-344 should be followed.

42. How old does a child have to be in order to ask where they want to live?

This decision is up to the discretion and professional judgment of the case worker, taking into account the circumstances of each individual case.

ADMINISTRATIVE REVIEW PANEL

43. If in a particular county, the CWD decides against the use of administrative reviews but the Probation Department wants to use them in place of six month court reviews, who is responsible for setting up the plan, getting it approved and implemented?

The agency (CWD or Probation) responsible for the supervision of the children in placement is responsible for the development and implementation of the plan. The probation department would be responsible for the 600's or any 300's supervised by them, and the agency supervising all other dependents would be responsible for that plan.

44. If a voluntary placement is not receiving AFDC-FC does the Administrative Review Panel have to review them?

No, unless the voluntary placement was made prior to January 1, 1982, and is being continued pursuant to W & I 16503.7(6).

45. Must children placed out-of-county attend the administrative review hearing?

MPP 30-494 requires that a child aged 12 or older be allowed to participate in the hearing if they so choose.

46. What is the role of adoption staff and foster care staff with respect to administrative reviews for relinquished children?

Refer to ACL 82-114. Staff of whichever agency exercises responsibilities for placement and care of minor as defined in subdivision (e) of Section 11400 of the W&I Code must submit the required reports and information to the panel and shall be allowed to participate.

47. For a child in the Permanent Placement Program where the mother is constantly moving, what efforts must the worker make to locate the mother to obtain her signature on the reassessment?

The case record should document that reasonable efforts have been made to stay in contact with the mother and if unsuccessful, this prevented obtaining the signature.

GUARDIANSHIP

48. What process is required for the Juvenile Court Judge to award guardianship status?

Guardianships are appointed pursuant to the requirements and procedures of the Probate Code Section 266.26e.

601's AND 602's

49. What aspects of Division 30 are applicable to 601's and 602's?

All AFDC-FC eligibility requirements are specified in MPP Division 45. Services requirements of Division 30 are only applicable for AFDC-FC eligibility to the extent that they are referenced in Division 45.

50. Do 601 and 602 placements need to comply with the specific requirements and timelines of the reunification and Permanent Placement Programs? i.e., 10 day, 30 day, monthly contact, etc. If so, will those cases be subject to SDSS audits? Which bureau of DSS will be responsible for providing consultation to Probation Departments?

Refer to answer #49. These cases will not be subject to the Division 30 services compliance review process, but will be subject to the AFDC-FC Quality Control process as are all AFDC-FC cases. Probation departments should direct questions concerning AFDC-FC requirements to their local county welfare departments. If the welfare department requires assistance in responding to these or other questions regarding AFDC-FC eligibility and compliance, it should contact the Foster Care Program Bureau at (916) 445-0813 (ATSS 485-0813).

51. Many 601 placements and some 602 placements have parents who are saying they do not want their child back until the child is able to follow the rules. Parent does not feel that they have a problem, only the child. The minor wants to move toward emancipation. How does the Probation Department determine whether the minor should receive reunification or permanent placement services?

The decision should be based on whether or not reunification is the objective, consistent with the court order for the child's placement. AFDC-FC eligibility requires that children receive whatever reunification or permanent placement services are individually appropriate. Specific decisions are subject to the professional judgment of the probation officer in concert with the court.

52. If a child is a 601 in placement over a year and subsequently the court finds the child is a 300, and orders reunification services, when does the clock start ticking for reunification services?

The child is eligible for 12 months of reunification services beginning the date the court ordered reunification services.

53. In the area of 601's and 602's, what happens if the parent(s) do not want their child back. Do we have to consider adoption or guardianship?

Refer to answer #51.

54. Who is responsible for the adoption review of 601's and 602's, the state or the county?

There is no requirement in AFDC-FC regulations (EAS Division 45) for adoption reviews of 601's and 602's.

55. Does the CWD need to review at least every six months the situations of children in state hospitals who are not receiving AFDC?

Yes. If a child is a court dependent or voluntary placement with an open services case, six month reviews are necessary.

56. If a child has been freed for adoption for 12 months from one or both parents, must the child be made a dependent under W&I Code Section 300e?

No. However, AFDC-FC cannot be paid for more than 18 months without a permanency planning hearing. The relinquished child who is not already a dependent must be made a dependent under Section 300(e) so that this hearing can be held.

57. Is a joint review by county welfare staff and adoption staff required within the first year of dependency?

Yes.

58. What is agency responsibility in case of a dependent Indian minor, when an Indian agency is providing Family Reunification or Permanent Placement Services and is doing all supervision, but child is still on the county caseload?

The agency with responsibility for placement and care of the child (i.e., the welfare department or probation department) is responsible for meeting the requirements of Division 30. The service plan may provide for the provision of most services by the Indian agency, however, basic services such as assessment, service plan development, periodic reviews and monthly visits shall be conducted by the agency with responsibility for placement and care.

VOLUNTARY PLACEMENTS

59. Who, if anyone, besides a parent or legal guardian may sign a voluntary placement agreement? For example, may a grandparent who has been caring for a child over a period of years sign a voluntary placement agreement?

Only a parent or legal guardian may sign a voluntary placement agreement.

TERMINATION OF PARENTAL RIGHTS

60. Can a parent's rights be taken away when the child is the one incarcerated?

Whether or not the child is incarcerated does not change the applicability of Civil Code 232 provisions if the circumstances described in 232 warranting termination exist.

61. Can a parent's rights be terminated through a 232 action when the parent is in and out of the county jail? In some cases, parents will be locked up every weekend.

Civil Code Section 232(7)(iii) specifically precludes termination of the parental rights of felon parents who are unable to receive reunification services because of incarceration. A case-by-case determination of parents' ability to receive services must be made in instances where the incarceration is not "full time".

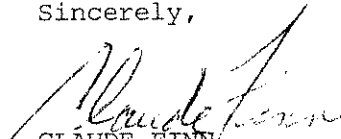
TRANSFER FROM PERMANENT PLACEMENT PROGRAM TO FAMILY REUNIFICATION

62. If the child is in the permanent placement program and the parent wants their child back, is the social worker obligated to switch from permanent placement to reunification?

The social worker is responsible for reassessing the situation to determine if the current facts support a recommendation to the Juvenile Court that reunification services be ordered. The reassessment and resulting service plan must contain provisions for reunification, (30-454.1) if the court so orders.

If you have questions, please contact your Family and Children's Services Program Management Consultant at (916) 445-7653 or ATSS 485-7653.

Sincerely,



CLAUDE FINN
Deputy Director